

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 18-6223-DSF (KS) Date: August 3, 2022

Title Jay David Peppler v. Warden

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On July 18, 2018, Petitioner, a California state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) On August 16, 2018, Petitioner requested a stay of the action under *Rhines v. Weber*, 544 U.S. 269 (2005) (Dkt. No. 5), which the Court granted on August 20, 2018. (Dkt. No. 6.)

As a condition of maintaining the stay and abeyance, the Court ordered Petitioner to file, *inter alia*, status reports advising the Court of the status of his state habeas proceeding every 45 days. (Dkt. No. 6 at 2; *see also* Dkt. No. 43.) The Court admonished Petitioner “that the failure to comply with these instructions may result in the Court ordering the stay to be vacated *nunc pro tunc* and the action dismissed for failure to prosecute and comply with court orders.” (Dkt. No. 6 at 2.) Petitioner last filed a status report on June 3, 2022. (Dkt. No. 52.) Accordingly, his next status report was due on July 18, 2022.

More than two weeks have now passed since Petitioner’s July 18, 2022 deadline for filing a status report, and Petitioner has neither filed a status report nor otherwise communicated with the Court about his case. Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** no later than **August 17, 2022**, why this case should not be dismissed for his failure to prosecute and comply with the Court’s prior Order.

To discharge this Order and proceed with this action, Petitioner must file one of the following **on or before August 17, 2022**:

- (1) a status report describing the current state of the relevant proceedings in state court; or

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(2) a request for an extension of time that establishes good cause supported by competent evidence for Petitioner’s failure to file a status report on or before July 18, 2022.

Alternatively, if Petitioner no longer wishes to proceed with this case, he may file a signed document entitled “Notice of Dismissal” in which he requests the voluntary dismissal of this action without prejudice.

Petitioner is expressly cautioned that his failure to timely respond to this order will result in the Court vacating the stay *nunc pro tunc* and recommending dismissal of the action based on Local Rule 41-1 and Rule 41 of the Federal Rules of Civil Procedure.

Initials of Preparer

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